

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the present amendments and the following remarks. By this amendment, claims 19, 78 and 83 are amended. Upon entry of this amendment claims 19 and 73-88 remain pending in this case, with claims 19, 78 and 83 being independent claims. It is believed that no additional fees are due for the consideration of this paper. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855.

Claim Amendments

It is respectfully submitted that the claims as amended above are supported by the application as originally filed in the Patent Office on January 26, 2004, that the amended claims satisfy the written description requirement and the other requirements of 35 U.S.C. § 112, and that no new matter is being added. Claim 19 is amended to more clearly recite that the bias adjustment mechanism provides a selectively variable application of a biasing force over a range of forces between a maximum biasing force and complete disengagement of the biasing element. Claims 19, 78 and 83 are amended to more clearly recite that the release buttons are pressed inwardly to decrease the biasing or frictional force on the drive actuators. These amendments are supported by the application as originally filed at least at Figs. 16-18 and the accompanying text at paragraphs [0089] - [0092] wherein the release button 270 is pressed inwardly to decrease the force applied by the brake pad 276 and spring 278 against the drive actuator 268. Applicants respectfully submit that the amendments to claims 19, 78 and 83 do not present new matter and do not raise new issues, and respectfully requests entry of the present amendments and consideration of the claims as amended.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 19 and 73-76 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,024,154 (Wang et al.). Applicants respectfully request reconsideration in view of the amendments to the claims and the following remarks, and respectfully submit that independent claim 19 and claims 73-76 depending therefrom are neither anticipated nor rendered obvious by the Wang et al. patent for at least the following reasons.

Applicants respectfully submit that the Wang et al. patent does not disclose or suggest providing a biasing adjustment mechanism providing a selective variable application of a biasing force of the biasing element over a range of forces between a maximum biasing force and complete disengagement of the biasing element as recited in claim 19 as amended. The Wang et al. patent teaches a blind having a locating member 50 having racks 512 with teeth engaging corresponding teeth of retaining portions 322A, 322B of winding members 32A, 32B. The teeth are either engaged to prevent rotation of the winding members 32A, 32B or completely disengaged to allow rotation of the winding members 32A, 32B. This configuration does not allow for application of a range of forces between a maximum force and complete disengagement as recited in claim 19 as amended. Moreover, substituting a biasing element that may apply a range of forces to the winding members 32A, 32B is not an obvious modification to Wang et al.'s design where there is no suggestion of the desirability of applying a variable force to the winding members 32A, 32B to balance the force applied by the winding members 32A, 32B. For these reasons, claims 19 and 73-76 are neither anticipated nor rendered obvious by the Wang et al. patent.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 19 and 73- 87 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang et al. in view of U.S. Patent No. 5,105,867 (Coslett), and claim 88 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang et al. in view of Coslett and further in view of U.S. Patent No. 5,799,715 (Biro et al.). Applicants respectfully submit that pending claims 19, 73-88 are not properly rejectable over the applied references for at least the following reasons.

As conceded in the Office action, the Wang et al. patent does not disclose a frictional brake for a cordless blind. The Biro et al. patent also does not appear to disclose a frictional brake. The Coslett patent discloses a collapsible sun shade 10 having a coiled spring plate 40 disposed around a spindle member 28 tending to force a cover member 42 toward a hollow housing 12. A hollow shank 70 having a flanged base 72 is pressed against a flanged face 30 of a spindle member 28 to prevent the spindle member 28 from turning. A cord member 76 is attached to the shank 70 and is pulled to release the flanged base 72 from the spindle member 28 to allow it to rotate and release the spring plate 40. The Coslett patent also

discloses an embodiment wherein an armature 66 engages the flanged face 30 and is released when electrical power is applied to a coil 62 to draw the armature 66 away from the face 30. Neither embodiment, however, includes a bias adjustment mechanism such as a release button pressed inwardly to decrease the biasing force of the flanged base 72 or armature 66. The cord member 76 is pulled outwardly and cannot be pressed inwardly, and the armature 66 requires neither pressing nor pulling due to the presence of the coil 62 and electric current. Consequently, the Coslett et al. patent does not disclose or suggest a bias adjustment mechanism or release button as recited in claims 19, 78 and 83 as amended.

Moreover, applicants respectfully submit that the Office action fails to establish a *prima facie* case of obviousness for the combination of the Wang et al. and Coslett patents. In order to establish a *prima facie* case of obviousness, there must be actual evidence of a suggestion to modify a prior art reference or to combine two prior art references, and the suggestion to combine or modify the prior art must be clear and particular. See, for example, In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), where the Court of Appeals for the Federal Circuit stated:

We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved...

* * *

The range of sources available, however, does not diminish the requirement for **actual evidence**. That is, the showing must be **clear and particular**. Broad conclusory statements regarding the teaching of multiple references, standing alone, are **not 'evidence.'** (emphasis added, citations omitted).

The mere fact that references can be modified is not sufficient to establish a *prima facie* case of obviousness. See Section 2143.01 of the M.P.E.P., which states: "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)" (emphasis original).

The Office action fails to provide or to cite to any actual evidence of a motivation or desire by a person skilled in the art to arrive at the proposed combination of the references.

The Office action states in conclusory fashion that “[s]uch a teaching of a friction brake [in the Coslett patent] instead of a positive brake would provide ample suggestion to modify Wang to have such a friction brake which would prevent damage to the shade by releasing the cords under excessive force.” Office Action, pp. 2-3. However, the references do not appear to disclose that a problem exists with the existing shades such that a risk of damage to the shades was recognized to exist. Moreover, the mere presence of the friction brake of the Coslett patent does not equate to a suggestion to substitute the Coslett’s brake into the Wang et al. Venetian blind. As pointed out above, actual evidence of a suggestion or motivation must exist in order to establish a *prima facie* case of obviousness. Unless such actual evidence is presented, applicants respectfully submit that claims 19 and 73-88 are not properly rejectable by the proposed combination of references, and respectfully request withdrawal of the rejections of the claims and an indication of the allowability of the claims at the Examiner’s earliest convenience.

CONCLUSION

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance of the currently pending claims are respectfully requested. Should Examiner Johnson wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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